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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,488	01/07/2005	Motoki Kato	275873US6PCT	6535

22850 7590 01/21/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

TOPGYAL, GELEK W

ART UNIT	PAPER NUMBER
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2621

NOTIFICATION DATE	DELIVERY MODE
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01/21/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/520,488	Applicant(s) KATO, MOTOKI	
	Examiner GELEK TOPGYAL	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/16/2009 have been fully considered but they are not persuasive.
2. In re pages 10-12, the applicants argue that the reference of Ashley fails to disclose all the elements of claim 1 and that the examiner has applied improper hindsight in formulating the rejection.
3. In response, the examiner respectfully disagrees. It is believed that the applicants have misconstrued the 103 rejection that has been formulated. The examiner has not relied on Ashley to teach all of the limitations of claim 1. As stated in the previous Office Action, the rejection is a 103 rejection based on the admitted prior art of this instant application in view of the teachings of Ashley. The limitations which the applicants are not taught by Ashley are indeed not taught by Ashley as the admitted prior art (e.g. Page 3 and Figure 1) is depended on to teach those limitations. As such, the previous rejection is repeated below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. **Claims 1-11 and 14-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Ashley et al. (US 6,584,273).

Regarding claims 1, 9-10, 14, 16, 19 and 22, the prior admitted art teaches an information processing device that decodes a multiplexed stream which includes a data stream constituted by a plurality of source packets each having a transport packet and its arrival time stamp, and in which a second picture, which is the first picture of a second multiplexed stream, is connected to a first picture, which is the last picture of a first multiplexed stream so as to be reproduced seamlessly (page 3 of the specification teaches of two streams TS1 and TS2 that are multiplexes and are further desired to be reproduced seamlessly), comprising:

output means for outputting the source packets according to the arrival time stamp of the multiplexed stream (Fig. 1 teaches of a source depacketizer 113 capable of outputting the source packets according to the arrival time base of the source packet);

a video buffer for buffering video data included in the source packets; an audio buffer for buffering audio data included in the source packets (Fig. 1 teaches of buffering operations of TB1, MB1, EB1, TBn, Bn, TBsys and TBsys);

video decoding means for decoding the video data buffered in the video buffer; and audio decoding means for decoding the audio data buffered in the audio buffer (Fig. 1 teaches of decoders TB1, TBn and TBsys placed within overall decoder 120), wherein

The admitted prior art cites the need to have greater buffer capacity for the audio buffer. However, fails to particularly teach wherein: the audio buffer having a capacity capable of buffering the audio data corresponding to the time required for inputting the second picture to the video buffer.

In an analogous art, Ashley et al. teaches in col. 10, lines 32-40 of the ability to double the size of the buffer so that after a transition time of 1s, "only data in the STD buffer comes from a new sequence". Therefore, although not explicit, Ashley et al. system audio buffer has enough capacity to buffer the audio data corresponding to the time required for inputting the "new sequence". It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability of Ashley into the admitted prior art so that audio and video production have be seamless.

Regarding claims 2, 11, 15, 17 and 20, as discussed in claims 1, 10, 12, 14, 16, 19 and 22 above, although not explicitly discussed, the condition of the equations are met since the audio buffer of Ashley et al. is able to buffer the audio data corresponding to the time required for inputting the "new sequence" into its' respective buffer.

Regarding claims 3, 18 and 21, as discussed in claims 1, 10, 12, 14, 16, 19 and 22 above, since the audio buffer of Ashley et al. is able to buffer the audio data corresponding to the time required for inputting the "new sequence" into its' respective buffer, the first set of data to arrive into its' respective buffer would be an I frame.

Regarding claim 4, Ashley et al. teaches the claimed in col. 11, lines 6-10.

Regarding claims 5 and 6, the admitted prior art recites the very same equations that set conditions for the multiplexed stream in pages 5-8 of the specification.

Regarding claims 7-8, the admitted prior art recites the claimed as discussed in claims 5-6 above and the claims ATC_Delta is met by Tpp value in equation (2).

Conclusion

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6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621